

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-10346
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCTOBER 24, 2005 THOMAS K. KAHN CLERK

D. C. Docket No. 04-00202-CR-T-26-MSS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN LEE STOVER, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(October 24, 2005)

Before BIRCH, BARKETT and PRYOR, Circuit Judges.

PER CURIAM:

John Lee Stover, appeals his conviction under section 924(c) of Title 18 of

the United States Code for using or carrying a firearm during and in relation to a crime of violence. Stover argues, for the first time on appeal, that section 924(c) is unconstitutional because it exceeds the power of Congress under the Commerce Clause. Because we have previously held that section 924(c) was validly enacted under the commerce clause power, see United States v. Ferreira, 275 F.3d 1020, 1028 (11th Cir. 2001), and we have no authority to revisit that decision, see Cargill v. Turpin, 120 F.3d 1366, 1386 (11th Cir. 1997), we affirm.

AFFIRMED.